

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

November 17, 2003
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Degginger, and Councilmembers Creighton, Davidson, Lee, and Noble

ABSENT: Councilmember Mosher

1. Call to Order

The meeting was called to order at 8:04 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers except Mr. Mosher were present. Mr. Lee led the flag salute.

3. Communications: Written and Oral

- (a) Leslie Lloyd, Bellevue Downtown Association, expressed support for the ordinances proposed under Agenda Items 11 (a) and (b). However, the BDA suggests that the pedestrian crossings should only be required to be open during the operating hours of adjacent businesses and not until midnight as proposed. The BDA further suggests that the Land Use Code should not dictate whether the crossings are open or enclosed structures due to the costs associated with building enclosed bridges.
- (b) Tom Woodworth, Schnitzer Northwest, encouraged Council to adopt Ordinance No. 5497 [Agenda Item 11(b)] and to support Alternative 4.

Mayor Marshall noted a revision to the alternatives, and Mr. Woodworth clarified that Schnitzer Northwest is in favor of either Alternative 1 or 4.

- (c) Win Cannon, Chairman of the League of Washington Taxpayers, expressed opposition to Resolution No. 6872 approved by Council on July 7, 2003, to formally accept the

Mexican government “Matricula Consular,” or Mexican Consulate identification card, as an accepted form of identification at City of Bellevue facilities and in applying for City services. He described the recent arrest in Snohomish County of individuals accused of making counterfeit driver’s licenses, green cards, and Matricula Consular cards.

- (d) Bruce Nurse, Vice President of Kemper Development Company, expressed appreciation to Council and City staff for their hard work on the above-grade pedestrian crossings issue.

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager

Upon request of City Manager Steve Sarkozy, Planning and Community Development Director Matt Terry provided an update on the sale of the City Hall campus. Mr. Terry recalled that on October 20, Council took action on Comprehensive Plan and Land Use Code amendments to allow auto sales on the City Hall site. This action removed the last remaining contingency related to this transaction, which is scheduled to close on December 31, 2003.

6. Council Business

Dr. Davidson attended the Washington County-City Pipeline Safety Consortium conference, a meeting of the Association of Washington Cities (AWC) Legislative Committee, and a Latino-Hispanic culture celebration co-sponsored by the King County Library outreach program at Crossroads.

Mr. Creighton attended the Parks and Community Services Board meeting and a kickoff meeting for upcoming Magic Season activities. In addition to the traditional ice rink at Downtown Park and Garden d’Lights at Bellevue Botanical Garden, a new exhibit of lighted structures will be installed at Downtown Park this year.

Mr. Noble attended the annual Eastside Human Services Forum meeting and several Eastside Transportation Partnership (ETP) meetings.

Mr. Lee attended an Eastside Arts and Culture Forum at Bellevue High School and traveled to Yao, Japan, one of Bellevue’s Sister Cities.

Deputy Mayor Degginger attended a meeting of the Cascade Water Alliance (CWA) Finance and Resources Committee. He attended Bellevue Philharmonic’s annual dinner and auction and a Veterans Day assembly at Cougar Ridge Elementary School.

Mayor Marshall thanked Bellevue citizens for the honor of representing this community during recent visits to Hualien, Taiwan, and Yao, Japan, two of Bellevue’s Sister Cities. Mr. Mosher visited both cities as well, and Mr. Lee met them in Yao.

Mayor Marshall thanked Wells Fargo Bank and all sponsors for their support of this year's Magic Season.

7. Approval of the Agenda

- ➡ Deputy Mayor Degginger moved to approve the agenda, and Mr. Noble seconded the motion.
- ➡ The motion to approve the agenda carried by a vote of 6-0.

8. Consent Calendar

Councilmember Lee requested pulling Agenda Item 8(g) for Council discussion.

In reference to Agenda Item 11(b)(1) of the November 3, 2003, Regular Session (Ordinance No. 5493), Mr. Lee clarified that he is opposed to borrowing \$35 million for the Capital Investment Program (CIP) line of credit. Mayor Marshall indicated that his written statement on this issue will be available for public disclosure as well.

- ➡ Deputy Mayor Degginger moved to approve the Consent Calendar, as amended, and Mr. Noble seconded the motion.
- ➡ The motion to approve the Consent Calendar, as amended, carried by a vote of 6-0, and the following items were approved:
 - (a) Minutes of October 20, 2003 Study Session
Minutes of October 20, 2003 Regular Session
Minutes of October 27, 2003 Extended Study Session
Minutes of November 3, 2003 Study Session
Minutes of November 3, 2003 Regular Session
 - (b) Motion to approve payment of claims for the period ending November 10, 2003, and payroll for the period October 16 through October 31, 2003.
 - (c) Resolution No. 6919 authorizing an agreement with King County for the provision of municipal court services through King County District Court for the period January 1, 2005 through December 31, 2006. (*Discussed with Council on October 27, 2003.*)
 - (d) Resolution No. 6925 authorizing a Memorandum of Agreement among Seattle, Bellevue, King County, and Suburban Cities Association (SCA) that indicates support for a grant proposal being submitted to the State of Washington and supports the creation of a staff working group to monitor the progress of a Countywide Buildable Lands work program.

- (e) Resolution No. 6926 amending the System Purchase Agreement with AMX International, Inc., in support of the Finance and Human Resources System Replacement Project. *(Discussed with Council on November 10, 2003.)*
- (f) Ordinance No. 5495 authorizing the execution of a grant contract with the State of Washington Department of Community, Trade, and Economic Development to accept grant funds for use in meeting the requirements of the Growth Management Act (GMA) for the 2004 Comprehensive Plan Update; establishing a project within the Operating Grants and Donations Fund by appropriating unanticipated and future revenues to that fund; and authorizing expenditures of said grant funds.
- (h) Resolution No. 6923 authorizing execution of Supplement No. 2 to the consultant agreement with KPG, Inc., to provide professional engineering services for revising the Plans, Specifications, and Estimate (PS&E) for the Cougar Mountain Way Corridor Improvements plan. (CIP Plan No. PW-R-115)
- (i) Resolution No. 6924 authorizing execution of a 5-year lease with an automatic 5-year extension with VoiceStream PCS III Incorporated (also known as T-Mobile) for telecommunication facilities at the Lakemont 1150 Reservoir site.
- (j) Resolution No. 6904 authorizing execution of a four-year banking services agreement with the Bank of America in an estimated first-year amount of \$176,000, with an option to extend the contract for an additional two years.

Item for Council Discussion:

- (g) Resolution No. 6927 authorizing execution of a lease with the Central Puget Sound Regional Transit Authority (Sound Transit) for space in the Rider Services Building at the Bellevue Transit Center.

Mr. Lee noted that Resolution No. 6927 obligates the City to \$68,000 in 2003-2004 for capital start-up costs associated with the Bellevue Transit Center Rider Services Building as well as ongoing lease payments to Sound Transit. He questioned the appropriateness of this arrangement.

Mr. Sarkozy explained that the agreement has been reviewed and recommended by Transportation and Police staff. Kris Liljeblad, Transportation Assistant Director, and Major Bill Thomas provided an overview of the recommendation.

Mr. Liljeblad said the Rider Services Building represents the third and final phase of Bellevue Transit Center's expansion. This is a \$22 million project approved through the Sound Move program in 1996, and the first two phases were completed in October 2002. The Center serves approximately 10,000 riders and 800 buses daily. The Rider Services Building project includes landscaping, sidewalks, public art, an ATM machine, Police and rider information center, bike station, and public restrooms.

Mr. Liljeblad said the Rider Services Building represents a \$1.4 million capital investment. Bellevue's contribution of \$68,000 reflects a small portion of the overall cost. Ongoing annual lease costs were previously budgeted in the Police Department's operating budget for this specific purpose.

Major Thomas said the proposed Police center would serve as a substation for the west side of Bellevue, similar to community stations at Factoria, Crossroads, and Spiritwood Apartments. Existing community stations have been successful in developing partnerships and reducing crime. The proposed station would be staffed by one existing officer and utilized by additional officers on a 24-hour basis.

Dr. Davidson expressed concern that the facility will be built with taxpayers' dollars through Sound Transit, and taxpayers will then also contribute to the lease payments. Mr. Liljeblad explained that the community police function is not directly related to the transit rider facility but rather to serve Bellevue citizens. Total annual maintenance and operations costs are estimated at \$175,000, and the City's benefit from the \$50,000 in annual lease payments is considered to be substantial. A federal grant will help cover the cost of the bike station.

Dr. Davidson will not support the proposal and suggested leasing private space as an alternative for providing a community police station in the downtown.

Mayor Marshall expressed support for the expenditure of \$68,000 to achieve a \$1.4 million facility. She looks forward to having a downtown community police station and feels the \$50,000 annual lease payments are reasonable.

Deputy Mayor Degginger questioned the need for the substation in light of the fact that City Hall will soon be located near the Transit Center. Major Thomas feels strongly that the community police station is needed as it will be visible and easily accessible for citizens and police officers.

Mr. Lee expressed support for the concept of visible community police stations. However, he is not convinced the best deal has been negotiated and is reluctant to commit to the project.

➡ Deputy Mayor Degginger moved to approve Resolution No. 6927, and Mayor Marshall seconded the motion.

➡ The motion to approve Resolution No. 6927 carried by a vote of 4-2, with Dr. Davidson and Mr. Lee dissenting.

9. Public Hearings

- (a) 2003-2004 Budget and 2003-2009 Capital Investment Program (CIP) Plan Mid-Biennium Update

Finance Director Jan Hawn explained that state law requires that a mid-biennium budget review be completed by the end of the first year of the biennium and that a public hearing be held on the mid-biennium update. This hearing provides an opportunity for the public to comment on the

budget. Ms. Hawn noted that most of the update items represent routine revenue and expenditure adjustments. The budget maintains current service levels while managing within existing resources. No new programs, taxes, full-time equivalent (FTE) positions, or utility service rate increases are proposed. The mid-biennium update includes two adjustments for utility billing changes and utility fee increases for delinquent and final bills. These items will be specifically addressed at the December 1 Study Session, at which time an overview of the mid-biennium update will be provided as well. Budget adoption is scheduled for December 8.

➡ Deputy Mayor Degginger moved to open the public hearing, and Mr. Noble seconded the motion.

➡ The motion to open the public hearing carried by a vote of 6-0.

One citizen came forward to comment on the mid-biennium budget update:

(1) Shannon Boldizar, Government Affairs Director for Bellevue Chamber of Commerce, spoke on behalf of the Chamber and Bellevue Downtown Association. She commended Council and the Finance Department on the sound fiscal management process and policies reflected in the budget. She encouraged Council to support economic development initiatives that will create jobs and improve the economic climate.

➡ Deputy Mayor Degginger moved to close the public hearing, and Mr. Noble seconded the motion.

➡ The motion to close the public hearing carried by a vote of 6-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions

- (a) Ordinance No. 5496 amending sections of the Bellevue Land Use Code to allow above-grade pedestrian crossings over the public right-of-way on a limited number of downtown arterial streets; and establishing an effective date.
(Discussed with Council on November 3, 2003.)

Planning Director Dan Stroh recalled Council's adoption in October of a Comprehensive Plan amendment to allow a limited number of above-grade pedestrian crossings over three downtown arterials, provided the crossings meet a public benefit test and strict development standards. Council reviewed the proposed development standards on November 3, which ensure among other things that: 1) there is a closed, convenient, accessible way to connect to sidewalks, 2) the bridge and connections are open to the general public, and 3) the bridges are designed to look like part of the public realm. Council's debate on November 3 centered on whether the bridges should be enclosed, which was also an issue of significant debate by the Planning Commission. The Commission was concerned that completely enclosed structures would be incompatible with the concept of public facilities.

Mr. Stroh recalled that Council asked staff to develop alternatives for enclosing the pedestrian crossings. These are illustrated on page 11-7 of the Council packet. All options provide protection from the rain. Options 1 and 2 reflect partial enclosure, Option 3 provides full enclosure, and Option 4 keeps the Land Use Code silent on the issue.

Mr. Stroh suggested that Council take action on the open versus enclosed issue first, and then take action on Ordinance No. 5496 as a whole.

Dr. Davidson noted an issue he previously raised to prohibit all, not just commercial, signage on the pedestrian crossings to avoid the potential that signs could distract drivers.

Responding to Mr. Degginger, Ms. Stroh noted development standard #10 regarding the minimum clearance above grade for the structures.

Mr. Noble noted the lack of a compelling argument for requiring that the crossings be open or partially open structures. He expressed support for Option 3 to allow enclosure if the applicant demonstrates it is necessary for weather protection.

Mr. Lee feels the intent of such structures is at least in part to protect pedestrians from the elements. Therefore, he favors Option 4 or Option 3. He suggested additional options could be identified.

Mr. Creighton is not in favor of any of the options. He suggested expressing a design preference or remaining silent on the issue.

Responding to Deputy Mayor Degginger, Mr. Stroh confirmed that any option will include safety railings and overhead weather protection. The issue of enclosure refers to the height of the walls and the amount of open air space. Option 3 would allow total enclosure, which then raises the need for artificial climate control of the facility. Option 2 would never allow full enclosure.

- ➡ Mr. Noble moved to approve Option 4 to eliminate any Land Use Code requirement regarding the enclosure of pedestrian crossings, and Mr. Lee seconded the motion.

Responding to Mayor Marshall, Mr. Stroh confirmed that approval of the motion will delete development standard #6: "Bridge must remain unenclosed on the sides, although one side may be partially enclosed with transparent material for weather protection. Overhead weather protection is allowed."

Mr. Lee said he is uncomfortable with attempting to design the pedestrian crossings.

- ➡ As a substitute motion, Mr. Creighton moved to express a design preference for unenclosed sides but to allow enclosure or partially enclosed sides if the applicant demonstrates it is necessary for adequate weather protection. Mr. Degginger seconded the motion.

- The motion to express a design preference for unenclosed sides, but to allow enclosure or partial enclosure if the applicant demonstrates it is necessary for adequate weather protection, carried by a vote of 5-1, with Dr. Davidson dissenting.
- Dr. Davidson moved to amend development standard #14 to read: ~~Commercial~~ Signage on the exterior of the bridge, or on the interior of the bridge that is visible from a public sidewalk or street, is not permitted. Mr. Lee seconded the motion.

Dr. Davidson reiterated his concern for public safety because signs could distract drivers.

Responding to Mr. Lee, Mr. Stroh said the pedestrian crossings will be owned by a private party. However, they will be located in the public right-of-way.

- The motion to amend development standard #14 as follows carried by a vote of 6-0:
~~Commercial~~ Signage on the exterior of the bridge, or on the interior of the bridge that is visible from a public sidewalk or street, is not permitted.

Mayor Marshall requested Council's attention to the request during Oral Communications to amend development standard #1 regarding the hours of operation for the pedestrian crossings. The Chamber of Commerce and Bellevue Downtown Association suggest changing the standard to require that the crossings be open and accessible during the hours of operation of adjacent uses, and not until midnight as proposed.

Mr. Stroh encouraged Council to consider the morning opening time as well. He noted that an adjacent use such as a restaurant might not open until lunchtime, while it would be beneficial to the public for the pedestrian crossings to be open in the morning.

Responding to Mr. Lee, Mr. Stroh said it may be necessary to enter an adjacent building in order to access the pedestrian crossings.

Responding to Mayor Marshall, Council indicated support for the proposed hours of operation as written in development standard #1.

- Deputy Mayor Degginger moved to adopt Ordinance No. 5496, as amended, and Mr. Noble seconded the motion.

Mr. Noble noted Council's ongoing interest in encouraging lively pedestrian activity in the downtown.

Deputy Mayor Degginger feels the issue has been studied and discussed thoroughly by staff, Council, and the Planning Commission. He is pleased with the solution that has been developed.

- The motion to adopt Ordinance No. 5496, as amended, carried by a vote of 6-0.
 - (b) Ordinance No. 5497 amending portions of the Downtown provisions of the Bellevue Land Use Code related to exemptions for retail uses and bonuses for

amenities; amending sections and the Design Guidelines – Building Sidewalk Relationships of the LUC; and establishing an effective date. *(Discussed with Council on November 3, 2003.)*

Land Use Director Carol Helland recalled previous discussion on November 3 in which Council expressed general support for expansion of the retail exemption in the downtown. She reviewed four alternatives provided in the Council packet:

1. Planning Commission's Recommended Alternative 1 (previously Alternative 4) – The exemption would apply across the entire downtown, except in the Special Opportunity Area, and expand the retail floor area exemption to street level mid-block pedestrian connections (1:1 ratio) and retail activity on upper levels at a discounted rate (0.5:1 ratio). Compliance with design guidelines is required to receive the exemption and a 1.0 FAR (floor area ratio) cap would be imposed. Within the Special Opportunity Area (east end of Pedestrian Corridor), the retail exemption would apply to retail activity on mid-block pedestrian connections and at upper levels at the same rate (1:1). Design guidelines and the 1.0 FAR cap would apply. She reiterated the Planning Commission's rationale for designating the Special Opportunity Area, which is to encourage retail/entertainment activity to complement the current retail focus at the west end of the Pedestrian Corridor.
2. Alternative 2 – Applies preference hierarchy across the entire downtown. Expands the retail exemption to street-level mid-block pedestrian connections (1:1 ratio) and upper levels (0.5:1). Design guidelines and 1.0 FAR cap apply.
3. Alternative 3 – Across entire downtown. Expands the retail exemption to retail activity on mid-block pedestrian connections and at upper levels at the same rate (1:1). Design guidelines and 1.0 FAR cap apply. Ms. Helland said this alternative does not comply with principles adopted by the Planning Commission because it does not provide a discounted rate for upper-level retail.
4. Alternative 4/City Center District Alternative – Staff's recommendation. Applies across entire downtown, except City Center District. Expands retail exemption to street level mid-block pedestrian connections (1:1 ratio) and upper levels (0.5:1 ratio). Design guidelines and 1.0 FAR cap apply. Within the City Center District, retail exemption applies to both mid-block pedestrian connections and upper level retail at the same rate (1:1). The City Center District encompasses the entire Pedestrian Corridor. Ms. Helland said this alternative is consistent with the Downtown Implementation Plan and the Planning Commission's goals. However, staff had not yet developed this alternative during its earlier discussions with the Commission.

- ➡ Dr. Davidson moved to adopt Alternative 4, and Mr. Noble seconded the motion.
- ➡ The motion to adopt Alternative 4 carried by a vote of 5-0, with Mr. Creighton absent from the dais.
- ➡ Deputy Mayor Degginger moved to adopt Ordinance No. 5497, as presented in Attachment E (Page 11-103 of the Council packet). Mr. Noble seconded the motion.

- ☛ The motion to adopt Ordinance No. 5497, as presented in Attachment E (Page 11-103 of the Council packet), carried by a vote of 6-0.

- 12. Unfinished Business: None.
- 13. Continued Oral Communications: None.
- 14. New Business: None.
- 15. Executive Session: None.
- 16. Adjournment

At 9:48 p.m., Mayor Marshall announced recess to return to the Council Conference Room to continue discussion of Regional Issues items.

Myrna L. Basich
City Clerk

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